

## ii. Affidavit of John Bouloubasis

**AFFIDAVIT OF JOHN BOULOUBASIS**

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

"Before me, the undersigned notary, on this day personally appeared John Bouloubasis, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

1. My name is John Bouloubasis. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am the president of Greater San Antonio Transportation Company, d/b/a Yellow Cab – San Antonio ("YC San Antonio").

3. YC San Antonio spent many millions of dollars to purchase and manage approximately 539 taxicab permits and 30 town car services permits issued by the City of San Antonio, authorizing YC San Antonio, in conjunction with YC San Antonio's owner/operators, to provide taxicab transportation services inside the City of San Antonio. As such, YC San Antonio must pay thirteen (13) categories of fees as set forth in Sec.33-933 to the City of San Antonio, including an annual Citywide taxicab operating permit at a cost of \$440.00 per year/per vehicle. Additionally, every taxicab that operates under a YC San Antonio permit must pay ad valorem property taxes on each such vehicle, thereby funding schools, hospitals, city services and a host of other taxing jurisdictions. All "for hire" vehicles are, by definition, commercial vehicles, and, therefore, must pay ad valorem property taxes.

4. Also, YC San Antonio must maintain an office within the city limits of San Antonio, staffed with local employees, to oversee, monitor and assure compliance with Chapter 33 of San Antonio's Ordinances, as well as San Antonio's Taxicab Rules and Regulations. As such, YC San Antonio hires approximately 80 local citizens to receive incoming telephone requested trips and to dispatch such trips through an on-board, sophisticated MT Data dispatching system. This system also accepts iPhone and Android based APP trip requests, all of which dispatch through the MT Data dispatch system. YC San Antonio and its affiliates have spent millions of dollars in MT Data dispatch system updates based on the permits issued by the City of San Antonio, and the need to efficiently and safely dispatch trips to drivers who are both zone based and proximity based to assure full 24/7 coverage of all areas of San Antonio, without discrimination, and consistent with San Antonio Ordinance requirements.

5. More specifically, YC San Antonio is required to and does comply with all sections of Chapter 33, including Chapter 33-928 requirements that such taxicabs "serve the entire city [and the additional obligation that YC San Antonio's] Wheelchair Accessible Vehicles shall [also] service the entire city." Out of YC San Antonio's fleet of taxicabs, 24 such taxicabs qualify as wheelchair accessible under Sec.33-931 and are operated as wheelchair accessible taxicabs. In fact, such taxicabs are also operated in conformance with Sec.33-931(f)'s requirement that drivers "first complete an instructional course approved by the Director addressing the boarding, debording, and securing of persons in wheelchairs and other mobility devices" and Sec.33-931(g)'s requirement to "give priority to customers requiring wheelchair accessible taxicabs."

6. YC San Antonio spends approximately \$13,000 more per vehicle to transform a regular taxicab vehicle into a wheelchair accessible taxicab. Wheelchair accessible vehicles are also more expensive to operate due to the extra weight and mechanical equipment, than are the non-wheelchair accessible vehicles. Although it costs more to acquire and operate these wheelchair accessible vehicles, YC San Antonio does not charge taxicab drivers any additional fees to lease and operate a wheelchair accessible vehicle than it charges for non-wheelchair accessible vehicle. In fact, we often provide other financial incentives to drivers to encourage them to drive wheelchair accessible vehicles.

7. San Antonio Ordinances prohibit taxicab operators/drivers from charging disabled passengers any additional fees or costs other than the standardized, approved fares for all passengers, despite the additional costs for such wheelchair accessible vehicles. Yellow Cab San Antonio enthusiastically participates in the permitted taxicab business under the City of San Antonio ordinances, and thereby serves all citizens, in part by subsidizing the acquisition, maintenance and operation of wheelchair accessible vehicles as part of San Antonio's overall regulatory structure.

8. YC San Antonio and its owner/operators understand and abide by the obligation under the City of San Antonio Taxicab Rules and Regulations, Rule No.837 that a "driver shall not refuse to transport any person except for" very limited number of permitted exceptions as established by the City of San Antonio. Moreover, YC San Antonio's City issued permits require compliance with Taxicab Rules No. 853: "A driver shall not refuse to transport in the taxicab any passenger's wheelchair, which can be folded and placed in the passenger, driver or trunk compartment of the taxicab; a guide dog for a blind passenger; groceries or packages when accompanied by a passenger; personal luggage, possessions, or small pets in carriers." This obligation applies to all of our permitted taxicabs, whether or not such taxicab is outfitted as a wheelchair accessible taxicab.

9. San Antonio's regulatory structure fulfills the City obligation to comply with state law regulating on-demand transportation "for hire" within the City of San Antonio in a non-discriminatory manner for the public benefit. Taxicab operators are obligated to provide city wide service to all potential passengers, regardless of race, attractive or unattractive, whether passengers pay by cash, or by credit card – or even if they do not possess a credit card or an iPhone. Moreover, the regulatory structure is designed to assure service to rich and poor areas, and to fulfill even unprofitable trips such as a senior citizen's short trip to the local grocery store, or to transport people with disabilities. Few people admit to blatant discriminatory intent, especially along racial lines. However, market segmentation, rating of passengers, identifying a passenger's historical trip history, and other such means inherently enable transportation providers to vigorously compete for the most profitable business, and to avoid unprofitable business.

10. Regardless of whether it is pejoratively described as "discrimination against minorities and the poor" or more euphemistically championed as "market segmentation, hot spot focus, surge pricing, and driven by market forces" – the result is the same: the unequal and disparate transportation of passengers in San Antonio. Absent strong laws designed to prevent discrimination and enforcement of those laws, drivers and affiliated transportation providers will inherently focus on the profitable trips and avoid the unprofitable trips.

11. This "skimming", "market segmentation", and "surge pricing" is not a new concept. Instead, the City of San Antonio's elected officials have developed a full set of laws and regulations designed to equalize transportation for all people, regardless of financial means, age, race, disability, etc.

12. YC San Antonio willingly pays the many different fees, including the \$440 per vehicle per year taxicab license fee, \$150 per vehicle annual airport fee, and a host of other fees as noted above. YC San Antonio also complies with the legal requirement to render its taxicabs as commercial vehicles for purposes of establishing ad valorem property taxes on all such vehicles; and hires approximately 80 local citizens to run the taxicab business, paying additional property taxes on such facilities – all in compliance with local laws and regulations.

13. Even more importantly, YC San Antonio is proud to comply with San Antonio Ordinances, Rules and Regulations, including insurance requirements, in providing essential transportation to all citizens, 24/7, without discrimination, or "rating" such passengers, or any other discriminatory mechanism. Ultimately, we cannot profitably do so if others operate the same business without paying taxi license fees and the other categories of fees noted above, and otherwise circumvent, ignore or just plain violate all

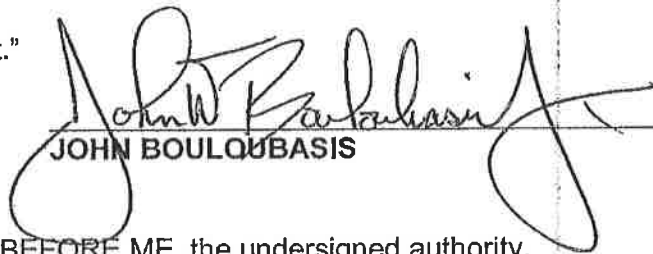
of San Antonio's laws and regulations which assure equal transportation for all, at reasonable fares established by elected officials.

14. Therefore, to avoid the irreparable harm to licensed, tax paying, taxicab companies, and the many owner/operators and drivers who follow the law and provide the non-discriminatory transportation as required under San Antonio ordinances, we must stop unlicensed transportation services who merely skim the most profitable trips, and ignore not only their civic duty, but their legal duty, to serve all of passengers in San Antonio pursuant to San Antonio laws, ordinances and applicable regulations.

15. Finally, as confirmation of the activities of the illegal transportation services in San Antonio, on March 31, 2014 around 2pm, I requested a trip via Uber Technologies Inc.'s app and took a ride with Uber driver "Arturo". Attached hereto as Exhibit A is a true and correct copy of the receipt from Uber for that trip in San Antonio. As shown in the Exhibit A receipt, Uber charged me \$6.65 for this ride which I paid by credit card.

16. Additionally, I am aware that Lyft Inc. is also providing illegal transportation services in San Antonio through its on demand app, and charging for its services. These services are being provided even after the Chief of Police for San Antonio issued a cease and desist letter to Lyft Inc. A true and correct copy of the letter is attached hereto as Exhibit B.


Further affiant sayeth naught."

  
JOHN BOULOUBASIS

SUBSCRIBED AND SWORN BEFORE ME, the undersigned authority,

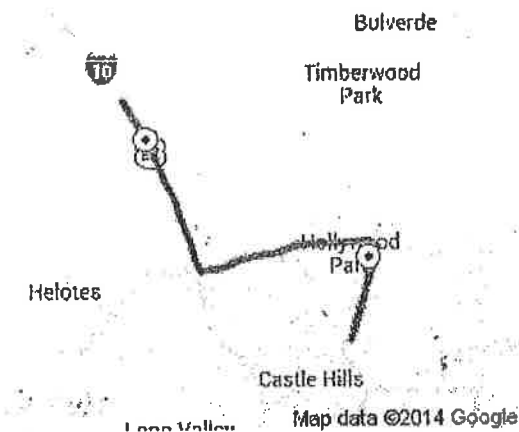
personally appeared John Bouloubasis, on this 8<sup>th</sup> day of April, 2014, to certify with my hand and official seal of office.



 2/22/17  
NOTARY PUBLIC in and for  
THE STATE OF TEXAS

EXHIBIT

A



01:57pm  
16315 San Pedro Avenue, Hollywood Park, TX

02:34pm  
24165 Interstate Highway 10, San Antonio, TX

CAR	MILES	TRIP TIME
uberX	26.06	00:36:36

## FARE BREAKDOWN

Base Fare

Distance

Time

Subtotal

Promot

CHARGED

Personal ...



You rode with Arturo

Uber Support [Contact us](#)[Track it down.](#)

Give  
\$20,  
Get  
\$20

UBER

MARCH 31, 2014

\$6.65

Trip ID: 123456789

FREE uberX in San Antonio



